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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 000174

SIPDIS

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SUBJECT: FACILITATING GOC MEETING WITH UN HIGH COMMISSIONER
FOR HUMAN RIGHTS IN NEW YORK

REF: A) BOGOTA 04 12603 B) BOGOTA 04 11339

Classified By: Ambassador William B. Wood, Reasons 1.4 (b) and (d)

11. (U) This is an action request. Please see paras 7 and 8.

12. (C) Summary: Relations between the GOC and the Office of the High Commissioner for Human Rights in Bogota, in particular with the approach of director Michael Fruhling, remain strained. Per ref a, the GOC views the OHCHR office here as neither constructive nor transparent. The situation may deteriorate once the OHCHR circulates its draft report for the Commission on Human Rights. The Foreign Minister attempted to discuss the situation with UN High Commissioner for Human Rights Louise Arbour during a November trip to Geneva, but Arbour and her deputy were traveling. Arbour has not been engaged on Colombia. Embassy believes that a conversation between a high-ranking GOC official and Arbour needs to occur soon to avoid a diplomatic dust-up. Arbour will be in New York Jan. 10-12 to sign an agreement with Guatemala. This could be a target of opportunity for the GOC as well as for the U.S. and other G-24 members who believe that Arbour needs to know trouble is brewing in her largest operation outside of Geneva. End Summary.

13. (C) On December 29 Bogota and Geneva polcouns met with Gianni Magazzeni, acting chief of the field operations branch in the Office of the High Commissioner for Human Rights (OHCHR) about the field office in Bogota, the approach of its director, Swedish diplomat Michael Fruhling, and the GOC's growing frustration with his implementation of the office's mandate. Magazzeni (protect) was not surprised to hear of GOC concerns with the OHCHR operation in Bogota (reftels). He agreed with Embassy assessment that Fruhling's approach is antagonistic and aggressive rather than supportive with an eye to helping the GOC build capacity to improve the human rights situation in the country. He stressed that the OHCHR's 27 recommendations should be a point of departure for discussions and not "the bible." GOC implementation of them should be only one indicator in assessing its progress. Finally, he indicated that most inside OHCHR headquarters, including High Commissioner for Human Rights Louise Arbour, were unaware that Fruhling's insistence on total compliance of the recommendations was causing problems for the GOC at the highest levels. According to Magazzeni, the mandate is not wrong; it is the implementation.

14. (C) Magazzeni said the OHCHR has been politically rudderless on field operations since the death of former HCHR Sergio Vieira de Mello and the retirement of field operations branch chief Jan Cedregren (Sweden) in the first half of 12004. As a result, field offices directors have had close to a free rein, including Fruhling. Magazzeni admitted that, as acting branch chief, he has been unsuccessful in reining them in because they outrank him and have been allowed to travel and raise money directly with donor countries. He tried to slash Fruhling's budget to bring it line with OHCHR priorities (meshing more directly with other UN operations on the ground) but was ignored. Fruhling has told colleagues that he has the complete support of the donor community in Colombia. During a visit to Geneva in November, he cited an additional \$1.9 million pledge from the U.S. earmarked for his operation, as proof of U.S. backing.

15. (C) Magazzeni noted that the OHCHR approach toward Colombia, a country that had requested UN assistance, was skewed. It was seemingly held to a higher standard than China, Iran, Sudan and others where UN assistance had not been sought and the OHCHR was trying to engage.

16. (C) Magazzeni expressed surprise that both Arbour and her deputy were out of Geneva in late November when Foreign Minister Carolina Barco passed through for an IOM meeting and had hoped to discuss GOC concerns about the OHCHR's Bogota office. Arbour, still assembling her team, traveling frequently, and immersed on other issues, has not focused on Colombia. A trip to Colombia, Guatemala and Mexico was planned for last October but put off. When OHCHR field operations directors were in Geneva in November, Arbour met with each one for only 15 minutes. That 15 minute meeting with Fruhling has been her only substantive briefing on OHCHR operations in Colombia. Magazzeni advised that Arbour would be in New York on Jan. 10-12 to sign an agreement with Guatemala and suggested that the GOC make another attempt to see her. He recommended that G-24 countries should also weigh

in with her.

COMMENT AND ACTION REQUEST

17. (C) The GOC and the OHCHR are both working to improve human rights in Colombia, but are approaching the issue from adversarial positions that undermine the effectiveness of each and, most importantly, reduce the progress that can and should be made. The relationship between the GOC and the OHCHR Bogota office may deteriorate further once the OHCHR shares its draft report to the Commission on Human Rights. The U.S. objective should be two-fold: (1) to facilitate an exchange between Arbour and a key GOC interlocutor; and (2) to make Arbour aware that all is not well in Bogota. It is up to her to decide what to do about it. Arbour's presence in New York on January 10-12 is a target of opportunity for the GOC, the U.S. and other G-24 members. The timing would be particularly ideal if the GOC and the UN proceed with a planned meeting in New York the week of January 17 to discuss the future of the entire UN presence in Colombia (also reported reftel).

18. (C) Embassy has informed the MFA that Arbour will be in New York next week. As Colombian permrep Holguin is close to President Uribe, Embassy recommends that the Department instruct USUN to reach out to her regarding Arbour's arrival and the utility of presenting GOC views directly to her. A direct approach by the U.S. to Arbour would be useful but more effective if done in concert with other G-24 members. Canada (as G-24 chair), the Netherlands (which continues to represent the EU in Bogota since Luxembourg has no representation here), the UK, Brazil, and Spain, in particular, would likely give Arbour the same message. Embassy also recommends that the Department request Ottawa and the others to engage on this issue, in New York, Geneva or in capitals. Embassy understands that several G-24 foreign ministers will be in New York on Jan. 12 for a Security Council meeting on Haiti.

WOOD